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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. VN-2007-2449

SHANEL LYNETTE HOLT
425 East 15th Street, Apt. 4
Beaumont, CA 92223

Applicant for Vocational Nurse License

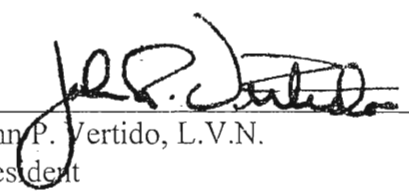
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of
Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on October 22, 2010.

IT IS SO ORDERED this 22nd day of September, 2010.



John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
4 State Bar No. 110639
110 West "A" Street, Suite 1100
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

Case No. VN 2007-2449

13 **SHANEL LYNETTE HOLT**

OAH No. 2010040885

14 **425 East 15th Street**
Beaumont, CA 92223

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15
16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the
22 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her
23 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of
24 the State of California, by David E. Hausfeld, Deputy Attorney General.

25 2. Shanel Lynette Holt (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

27 ///

28 ///

1 3. On or about March 28, 2008, Respondent filed an application dated March 19, 2008,
2 with the Board of Vocational Nursing and Psychiatric Technicians to obtain a Vocational Nurse
3 license.

4 **JURISDICTION**

5 4. Statement of Issues No. VN 2007-2449 was filed before the Board of Vocational
6 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently
7 pending against Respondent. The Statement of Issues and all other statutorily required
8 documents were properly served on Respondent on January 26, 2010. Respondent timely filed
9 her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. VN
10 2007-2449 is attached as Exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Statement of Issues No. VN 2007-2449. Respondent has also carefully read, and understands the
14 effects of this Stipulated Settlement and Disciplinary Order. .

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the
18 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas
19 to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Statement of
26 Issues No. VN 2007-2449.

27 ///

28 ///

9. Respondent agrees that her Vocational Nurse license application is subject to denial and she agrees to be bound by the Board of Vocational Nursing and Psychiatric Technicians (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Vocational Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

/ / /

/ / /

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Shanel Lynette Holt's Vocational Nurse license will be issued and automatically revoked. The revocation will be stayed and Respondent placed on three (3) years probation on the following terms and conditions.

1. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this condition, Respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints were previously submitted by Respondent to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of herself within thirty (30) days of the effective date of the decision.

If Respondent is under a criminal court order, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

2. **COMPLIANCE WITH PROBATION PROGRAM.** Respondent shall fully comply with the conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Probation Program.

Upon successful completion of probation, Respondent's license will be fully restored.

3. **SUBMIT WRITTEN REPORTS.** Respondent shall submit or cause to be submitted, under penalty of perjury, any written reports, declarations and verification of actions as required by the Board or its representatives. These reports or declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

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1 In the first report, Respondent shall provide a list of all states and territories where she has
2 ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse.
3 Respondent shall provide information regarding the status of each license and any change in
4 license status during the period of probation. Respondent shall inform the Board if she applies for
5 or obtains a new nursing or psychiatric technician license during the period of probation.

6 Respondent shall provide a copy of the Board's decision to the regulatory agency in every
7 state and territory in which she has applied for or holds a vocational/practical nurse, psychiatric
8 technician and/or registered nurse license.

9 **4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S).**

10 Respondent shall notify the Board, in writing, within five (5) days of any change in address
11 or telephone number(s). —

12 Respondent's failure to claim mail sent by the Board may be deemed a violation of these
13 probation conditions.

14 **5. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE.**

15 Respondent shall notify the Board, in writing, within five (5) days, if she leaves California
16 to reside or practice in another state. Periods of residency or practice outside of California shall
17 not apply toward a reduction of this probation time period. If Respondent resides or practices
18 outside of California, the period of probation shall be automatically extended for the same time
19 period she resides or practices outside of California. Respondent shall provide written notice to
20 the Board within five (5) days of any change of residency or practice.

21 Respondent shall notify the Board, in writing, within five (5) days, upon her return to
22 California.

23 **6. MEETINGS WITH BOARD REPRESENTATIVE(S).** Respondent shall appear
24 in person at meetings as directed by the Board or its designated representatives.

25 **7. NOTIFICATION TO EMPLOYER(S).** When currently employed or applying for
26 employment in any capacity in any health care profession, Respondent shall notify her employer
27 of the probationary status of Respondent's license. This notification to the Respondent's current
28 health care employer shall occur no later than the effective date of the Decision. Respondent

1 shall notify any prospective health care employer of her probationary status with the Board prior
2 to accepting such employment. At a minimum, this notification shall be accomplished by
3 providing the employer or prospective employer with a copy of the Board's Accusation and
4 Disciplinary Decision.

5 The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse,
6 Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical
7 Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical
8 health care positions.

9 Respondent shall cause each health care employer to submit to the Board all performance
10 evaluations and any other employment related reports as required by the Board. Respondent shall
11 notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of
12 such an event.

13 Respondent shall notify the Board, in writing, within five (5) days of any change in
14 employment status. Respondent shall notify the Board, in writing, if she is terminated or
15 separated, regardless of cause, from any nursing or health care related employment with a full
16 explanation of the circumstances surrounding the termination or separation.

17 8. **EMPLOYMENT REQUIREMENTS AND LIMITATIONS.** Respondent shall
18 work in her licensed capacity in the state of California. This practice shall consist of no less than
19 six (6) continuous months and of no less than twenty (20) hours per week.

20 Respondent shall not work for a nurses' registry or in any private duty position, a temporary
21 nurse placement agency, as a faculty member in an accredited or approved school of nursing, or
22 as an instructor in a Board approved continuing education course except as approved, in writing,
23 by the Board. Respondent shall work only on a regularly assigned, identified and predetermined
24 work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

25 9. **SUPERVISION REQUIREMENTS.** Before commencing or continuing
26 employment in any health care profession, Respondent shall obtain approval from the Board of
27 the supervision provided to Respondent while employed.

28 ///

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. **COMPLETION OF EDUCATIONAL COURSE(S).** Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. **MAINTENANCE OF VALID LICENSE.** Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should Respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, Respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

12. **LICENSE SURRENDER.** During probation, if Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A licensee who surrenders her license may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision for the surrender:

Three (3) years for reinstatement of a license surrendered for any reason other than a mental or physical illness; or

One (1) year for a license surrendered for a mental or physical illness.

13. **VIOLATION OF PROBATION.** If Respondent violates the conditions of her probation, the Board, after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the respondent's license. If during probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

14. **CHEMICAL DEPENDENCY SUPPORT & RECOVERY GROUPS.** Within five (5) days of the effective date of the Decision, Respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by Respondent with each written report as required by the Board. Respondent shall continue attendance in such a group for the duration of probation.

15. **ABSTAIN FROM CONTROLLED SUBSTANCES.** Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

16. **ABSTAIN FROM USE OF ALCOHOL.** Respondent shall completely abstain from the use of alcoholic beverages and products containing alcohol.

17. **SUBMIT BIOLOGICAL FLUID SAMPLES.** Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the respondent's current employer.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Vocational Nurse license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

DATED:

6/30/10

Shanel Lynette Holt
SHANEL LYNETTE HOLT

SHANEL LYNETTE HOLT
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated: _____

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

DAVID E. HAUSFELD
Deputy Attorney General
Attorneys for Complainant

1 17. **SUBMIT BIOLOGICAL FLUID SAMPLES.** Respondent shall immediately
2 submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee.
3 There will be no confidentiality in test results; positive test results will be immediately reported to
4 the Board and the respondent's current employer.

5 **ACCEPTANCE**

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
7 stipulation and the effect it will have on my Vocational Nurse license. I enter into this
8 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
9 to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric
10 Technicians.

11
12 DATED: _____

13 SHANEL LYNETTE HOLT
14 Respondent

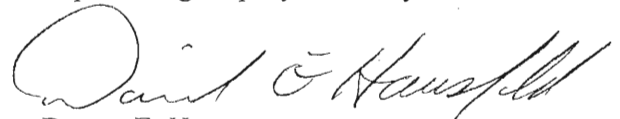
15 **ENDORSEMENT**

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
18 the Department of Consumer Affairs.

19
20 Dated: 7/6/10

Respectfully Submitted,

21 EDMUND G. BROWN JR.
22 Attorney General of California
23 LINDA K. SCHNEIDER
24 Supervising Deputy Attorney General

25 

26 DAVID E. HAUSFELD
27 Deputy Attorney General
28 *Attorneys for Complainant*

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Exhibit A

Statement of Issues No. VN 2007-2449

FILED

JAN 14 2010

Board of Vocational Nursing
and Psychiatric Technicians

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

Case No. VN-2007-2449

13 **SHANEL LYNETTE HOLT**

STATEMENT OF ISSUES

14 **424 E. 15th Street Apt. 4**
15 **Beaumont, CA 92223**

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Statement of Issues
22 solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and
23 Psychiatric Technicians, Department of Consumer Affairs.

24 2. On or about March 28, 2008, the Board of Vocational Nursing and Psychiatric
25 Technicians, Department of Consumer Affairs received an application for Vocational Nurse
26 Licensure from Shanel Lynette Holt (Respondent). On or about March 19, 2008, Shanel Lynette
27 Holt certified under penalty of perjury to the truthfulness of all statements, answers, and
28 representations in the application. The Board denied the application on October 8, 2009.

6. Section 2878.5 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

" "

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 2521, states:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. . . ."

8. California Code of Regulations, title 16, section 2522, states:

When considering a) the denial of a license under Section 480 of the Business and Professions Code, b) the suspension or revocation of a license on the ground that a licensee has been convicted of a crime, or c) a petition for reinstatement of a license under Section 2787.7 of the Business and Professions Code, the Board in evaluating the rehabilitation of an individual and his or her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.
- (2) Actual or potential harm to the public.
- (3) Actual or potential harm to any patient.
- (4) Overall disciplinary record.
- (5) Overall criminal actions taken by any federal, state or local agency or court.
- (6) Prior warnings on record or prior remediation.
- (7) Number and/or variety of current violations.
- (8) Mitigation evidence.
- (9) In case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.
- (10) Time passed since the act(s) or offense(s) occurred.
- (11) If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code section 1203.4.
- (12) Cooperation with the Board and other law enforcement or regulatory agencies.
- (13) Other rehabilitation evidence.

FIRST CAUSE FOR DENIAL OF APPLICATION

(December 18, 2007 Conviction for DUI on August 6, 2007)

9. Respondent's application is subject to denial under section 480, subdivision (a) (1) of the Code in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a vocational nurse. The circumstances are as follows.

10. On or about December 18, 2007, in a criminal proceeding entitled *People of the State of California v. Shanel Lynette Holt*, in San Bernardino County Superior Court, case number TSB702596, Respondent was convicted on her plea of guilty of violating Vehicle Code sections 23152 subdivision (a), driving a vehicle while under the influence, a misdemeanor, 23152 subdivision (b), driving a vehicle while having a blood alcohol content in excess of .08 percent, a misdemeanor, and 14601.1 subdivision (a), driving on a suspended license, a misdemeanor.

11. As a result of the conviction, on or about December 18, 2007, Respondent was sentenced to three years summary probation, completion of a First Conviction Program and payment of fees and fines.

12. The facts that led to the conviction were that on or about the late evening of August 6, 2007, a California Highway Patrol officer observed Respondent's vehicle cross over the solid

1 white edge line of the #2 lane of travel and remain outside of the lane for one quarter of a mile.
2 The officer pulled over the vehicle. The officer noted that upon contact with Respondent she had
3 red and watery eyes, her speech was slow and slurred, she walked with an unsteady gait and she
4 had a distinct odor of an alcoholic beverage on her breath. Respondent was unable to pass the
5 field sobriety tests. Based on his observations, the officer arrested Respondent for driving under
6 the influence of alcohol. A blood sample was taken from Respondent at the San Bernardino
7 Central Detention Center and showed a blood alcohol content of .12 percent. At the time of her
8 arrest her driving privileges had been suspended.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(August 6, 2008 Conviction for DUI on July 2, 2008)**

11 13. Respondent's application is subject to denial under section 480, subdivision (a) (1) of
12 the Code in that Respondent was convicted of a crime that is substantially related to the
13 qualifications, functions, and duties of a vocational nurse. The circumstances are as follows.

14 14. On or about August 6, 2008, in a criminal proceeding entitled *People of the State of*
15 *California v. Shanel Lynette Holt*, in Riverside County Superior Court, case number
16 BAM035814, Respondent was convicted on her plea of guilty of violating Vehicle Code sections
17 23152 subdivision (a), driving a vehicle while under the influence, a misdemeanor, and 23152
18 subdivision (b), driving a vehicle while having a blood alcohol content in excess of .08 percent, a
19 misdemeanor. Respondent's plea included an enhancement under Vehicle Code section 23578 in
20 that her blood alcohol content was in excess of .15 percent.

21 15. As a result of the conviction, on or about August 6, 2008, Respondent was sentenced
22 to three years summary probation, 15 days in custody with credit for two days of time served,
23 completion of an enhanced First Offender Drinking Driver Program and payment of fees and
24 fines.

25 16. The facts that led to the conviction were that on or about the late evening of July 2,
26 2008, an officer with the Beaumont Police Department was called to the scene of an automobile
27 accident in an apartment building parking lot. Respondent was identified at the scene as the
28 driver of the vehicle causing the accident. The officer noted that upon contact with Respondent

1 she had bloodshot red and watery eyes and she had a strong odor of an alcoholic beverage on her
2 breath and person. Respondent was unable to pass the field sobriety tests. Based on his
3 observations, the officer arrested Respondent for driving under the influence of alcohol.
4 Respondent provided a breath test at the Beaumont Police station and showed a blood alcohol
5 content of .22 percent.

6 THIRD CAUSE FOR DENIAL OF APPLICATION

7 (Committed Acts Which if Done by a Licentiate Constitute Grounds for Discipline)

8 17. Respondent's application is subject to denial under Code section 480, subdivision (a)
9 (3), in that Respondent committed acts which if done by a licentiate of the profession would
10 constitute grounds for discipline, as is more particularly described in the First and Second Causes
11 for Denial of Application, above, and incorporated herein by reference. Respondent's convictions
12 would constitute grounds for discipline of a licensee under Code section 2878, subdivision (f),
13 conviction of a crime substantially related to the qualifications, functions, and duties of a licensee.

14 FOURTH CAUSE FOR DENIAL OF APPLICATION

15 (Unprofessional Conduct: Use of Alcoholic Beverages)

16 18. Respondent's application is subject to denial under Code section 480, subdivision (a)
17 (3), for violation of section 2878.5 (b) of the Code, in that Respondent used alcoholic beverages
18 to an extent or in a manner dangerous or injurious to herself or others, as is more particularly
19 described in the First and Second Causes for Denial of Application, above, and incorporated
20 herein by reference.

21 FIFTH CAUSE FOR DENIAL OF APPLICATION

22 (Unprofessional Conduct: Conviction of a Criminal Offense Involving Alcohol)

23 19. Respondent's application is subject to denial under Code section 480, subdivision (a)
24 (3), for violation of section 2878.5 (c) of the Code, in that Respondent was convicted of criminal
25 offenses involving the consumption of alcohol, as is more particularly described in the First and
26 Second Causes for Denial of Application, above, and incorporated herein by reference.

27 ///

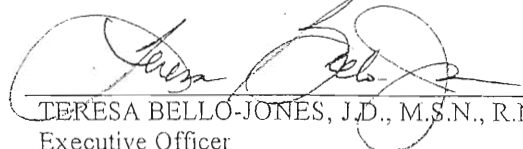
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Denying the application of Shanel Lynette Holt for a Vocational Nursing License,
2. Taking such other and further action as deemed necessary and proper.

DATED: January 14, 2010



TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

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